

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 00-358V

Filed: December 27, 2012

Not for publication

ELIZABETH HAYNES, by her mother,
and next friend, ANN HAYNES

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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Damages decision based on proffer

Ronald Homer, Boston, MA for petitioner.
Ryan Pyles, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION AWARDING DAMAGES¹

On December 21, 2012, respondent filed a Proffer on Award of Compensation. On December 27, 2012, petitioner's counsel indicated that petitioner accepts respondent's Proffer. Based on the record as a whole, the undersigned finds that petitioner is entitled to the award as stated in the Proffer. Pursuant to the terms stated in the attached Proffer, the court awards petitioner:

¹ Because this decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). Vaccine Rule 18(b) states that all decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would constitute a clearly unwarranted invasion of privacy. When such a decision is filed, petitioner has 14 days to identify and move to delete such information prior to the document's disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall delete such material from public access.

- a. A lump sum payment of **\$1,142,332.79**, representing compensation for life care expenses expected to be incurred during the first year after judgment (\$210,457.79), lost future earnings (\$725,399.00), and pain and suffering (\$206,476.00). The award shall be in the form of a check payable to petitioner, as guardian/conservator of Elizabeth Haynes, for the benefit of Elizabeth Haynes; and
- b. A lump sum payment of **\$85,264.72**, representing compensation for past unreimbursable expenses, payable to Ann Haynes, petitioner; and
- c. A lump sum payment of **\$764,669.14**, representing compensation for satisfaction of the State of New York Medicaid lien, payable jointly to petitioner and
New York State Department of Health
P.O. Box 415874
Boston, MA 02241-5874
- d. An amount sufficient to purchase an annuity contract described in paragraph II.D. of the attached Proffer and subject to the conditions described in the Proffer. The award shall be paid to the life insurance company from which the annuity will be purchased.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.²

IT IS SO ORDERED.

Dated: December 27, 2012

/s/ Laura D. Millman
Laura D. Millman
Special Master

² Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party=s filing a notice renouncing the right to seek review.